

**REMARKS**

The foregoing amendment to the specification and claims of this application are to add the ATCC accession number to the deposit paragraph and claims. There is no change of scope in the claims resulting from this request and no new matter has been added.

Respectfully submitted,



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# ATCC

*11/17/2005*  
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The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:	Pioneer Hi-Bred International, Inc. Attn: Steve Callistein 7100 NW 62 <sup>nd</sup> Avenue PO BOX 1000 Johnston, Iowa 50131-1000	<b>DOCKETED</b> JAN 26 2005
Deposited on Behalf of:	Pioneer Hi-Bred International, Inc.	
Date of Receipt of Seeds by the ATCC:	December 15, 2004	
<u>Scientific Description</u>	<u>Depositor's Reference</u>	<u>Patent Deposit Designation</u>
Soybean seed	XB31U04	PTA-6443 /81/

**The ATCC understands that:**

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested December 20, 2004 and were viable.

American Type Culture Collection  
 By Marie Harris  
 Marie Harris, Patent Specialist  
 ATCC Patent Depository

Date: January 11, 2005